

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED	MAR 30 2009
JOHN F. CORCORAN, CLERK BY: <i>J. Bright</i> DEPUTY CLERK	

)
JEROME BAILEY,
)
Plaintiff,) Case No. 7:09CV00104
)
v.)
KENNETH L. OSBOURNE,) FINAL ORDER
Defendant.) By: Glen E. Conrad
) United States District Judge
)

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that this civil rights action, pursuant to 42 U.S.C. § 1983, is **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254; is hereby **DISMISSED** without prejudice, pursuant to Rule 4 of the Rules Governing § 2254 Cases; and is stricken from the active docket of the court.

ENTER: This 30th day of March, 2009.

Glen Conrad

United States District Judge